

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001 :

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03 MDL 1570 (GBD) (SN)

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This Document Relates to

Havlish, et al. v. bin Laden, et al.,

1:03-cv-09848 (GBD)(SN)

Hoglan, et al. v. Islamic Republic

of Iran, et al., 11 Civ. 7550 (GBD)(SN)

ORDER

The *Havlish* Plaintiffs’ motion requesting permission to use previously-sealed witness testimony and some related exhibits, for limited purposes, is GRANTED.

The *Havlish* Plaintiffs and their counsel may use certain witness testimony and documentary evidence, listed below, that is presently under seal in this Court, that was considered by this Court, together with all the evidence submitted in *Havlish*, pursuant to 28 U.S.C. §1608(e). Accordingly, such evidence formed part of the body of evidence that led this Court, under 28 U.S.C. §1608(e), to issue the Findings of Fact and Conclusions of Law dated December 22, 2011, followed by the final Order and Judgment in *Havlish* on October 12, 2012, (entered onto the docket October 16, 2012, *Havlish* Docket No. 317) and, thereafter, to issue its Order Permitting Attachment and Execution Pursuant to The Foreign Sovereign Immunities Act (“FSIA”), 28 U.S.C. §1610(c) (dated September 12, 2013; MDL Docket No. 2778).

The evidence listed below may be used by *Havlish* counsel and their international counsel for the limited purposes of making submissions in proceedings in Italy and Luxembourg, including Plaintiffs' efforts to domesticate, enforce, and collect on the judgments in *exequatur* petitions, related judgment enforcement proceedings, including efforts to maintain freezes on the assets of *Havlish* judgment debtors in those proceedings, in order to address issues that *Havlish* counsel represents have arisen and warrant immediate addressing in such litigation in Italy and Luxembourg.

Specifically, *Havlish* counsel has requested this Court's permission, and this Court hereby grants such permission, to use or authorize their international counsel to use, the testimony transcripts, and exhibits related thereto, of two Iranian defector witnesses identified in *Havlish* as "Witness X" and "Witness Z," as follows:

Witness X – Transcript dated March 2, 2008

Page numbers are the transcript page numbers, not the pdf.

Start page 1
End Page 13, Line 18

Start Page 18, Line 5
End Page 35, Line 5

Start Page 56, Line 15
End Page 64, Line 8

Start Page 73, Line 1
End Page 74, Line 12

Witness Z – Transcript dated June 3, 2005

Page numbers are the transcript page numbers, not the pdf, and "@" refers to the time code, not the line.

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End Page 48 @ 10:24:08

Start Page 61 @ 10:53:02
End Page 76 @ 11:34:08

Start Page 78 @ 11:35:42
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End Page 118 @ 12:47:32

Start Page 128 @ 1:06:18
End Page 139 @ 1:20:21

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End Page 155 @ 1:45:39

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End Page 169 @ 2:06:07

Documents

- Ex. 7 from Ex. S-7 (Witness Z testimony)
 - Ex. S-34 (English translation of same)
- Ex. 8 from Ex. S-7 (Witness Z testimony)
 - Ex. S-35 (English translation of same)
- Ex. 10 from Ex. S-7 (Witness Z testimony)
 - Ex. S-36 (English translation of same)

Prior to the use of the testimony transcripts, and exhibits related thereto, Counsel shall redact any identifying information of the witnesses and others present at such testimony, other than *Havlish* counsel and their consultant, and may also redact the names of persons mentioned in such testimony if such redactions are necessary to protect the identities of the defector witnesses, or to otherwise ensure the safety of the defector witnesses, as determined by counsel.

Such use shall be made by means of copies of excerpts of the witnesses' testimony transcripts and the referenced exhibits that are in *Havlish* Plaintiffs' counsel's possession and are the same as those under seal in this Court.

No sealed evidence currently in the Court's vault shall be disturbed by means of this Order.

Dated: January __, 2020

New York, NY

SO ORDERED:

GEORGE B. DANIELS
United States District Judge